by private individuals or corporations. *Town of La Grange* v. *Overstreet* (1910), — Ky. —, 132 S. W. 169. Cases opposing the doctrine of the *Gregston* case, above cited, may be found however—see *Gordon* v. *Peltzer*, 56 Mo. App. 599; *Adams* v. *Fletcher*, 17 R. I. 137; *Fisher* v. *Thirkell*, 21 Mich. 1. The court distinguishes the principal case from the *Gregston* case by holding that in the latter contractual relations binding on the parties sufficient to create an estoppel on the part of the city existed, while in the former no such condition was present.

NEGLIGENCE—COMPARATIVE NEGLIGENCE. — Deceased, a section foreman, while going to work on a hand car on a dark, foggy morning, was struck and killed by a locomotive and caboose running as an irregular train ahead of a passenger train of which decedent had notice. The engineer was running at the usual speed, and although his headlight had been extinguished, he was not aware of the fact and it was not feasible to tell from his position whether it was burning or not. It also appeared that the engineer failed to sound his whistle at the highway or mile-post as required. *Held*, (WINSLOW, C. J., and SIEBECKER, J., dissenting) that the engineer's negligence was not gross, as compared to that of decedent, so as to entitle plaintiff to recover, notwithstanding decedent's contributory negligence, under the doctrine of comparative negligence. *Dohr* v. *Wisconsin Central Ry. Co.* (1911), — Wis. —, 129 N. W. 252.

The doctrine of comparative negligence has been stated as follows: "The degrees of negligence must be measured and considered, and whenever it shall appear that the plaintiff's negligence is comparatively slight and that of the defendant gross, he should not be deprived of his action." *Galena Ry.* v. *Jacobs*, 20 Ill. 478. This doctrine was made part of the law of Wisconsin by statute in 1907, and a similar doctrine has been enunciated in the statutes of Florida and Georgia. *Fla. So. Ry. Co.* v. *Hirst*, 30 Fla. 1, 11 South. 506, 32 Am. St. Rep. 17, 16 L. R. A. 631; *Ala. etc. Ry. Co.* v. *Coggins*, 88 Fed. 455, 32 C. C. A. 1; *Atl. Coast Line Ry. Co.* v. *Taylor*, 54 S. E. 622, 125 Ga. 454. It was adopted in Kansas in *Union Pac. Ry.* v. *Rollins*, 5 Kan. 167, but repudiated in *Atchison etc. Ry.* v. *Henry*, 57 Kan. 154, 45 Pac. 576, and has been rejected in Illinois, the state of its origin, where, too, it had its greatest development. *Macon* v. *Holcomb*, 205 Ill. 643, 69 N. E. 79. Except where recognized by statute it probably does not obtain now in any jurisdiction. The dissenting judges in the principal case took the view that there was ample evidence to warrant submitting to the jury the question of the quantum or extent of the negligence on each side; the majority of the court holding that that question should not have been left to the jury since there was no evidence from which a court or jury could say that the negligence of the injured was slighter than that of the injurer.

PRINCIPAL AND AGENT—KNOWLEDGE OF THE ATTORNEY—EFFECT ON CLIENT. —A wife devised a life estate to her husband and remainder to her son who was her executor. The son purchased a judgment against the father, and then purchased the father's life estate on execution sale. He later mort-

gaged the premises to secure a loan. The mortgagee employed the same solicitor, who had acted for the son in the execution proceedings. The court held that the purchase by the son was a fraud on the father, but that the mortgagee had no actual notice of the fraud. Is the knowledge of the solicitor to be imputed to the mortgagee so that he is not a bona fide purchaser? *Held,* that knowledge will be charged against the principal only when he, acting for himself would have received notice of the matters known to the agent. Hence the knowledge of the solicitor was not chargeable against the mortgagee. *Geyer* v. *Geyer* (1910), — N. J. Eq. —, 78 Atl. 449.

The early English view and that which is recognized in some American cases was in accordance with the principal case—that the principal was not affected by knowledge acquired by the agent in another transaction and at another time. *Warrick* v. *Warrick,* 3 Atk. 291; *Worsley* v. *Earl of Scarborough,* 3 Atk. 392; *Houseman* v. *Girard etc. Ass'n.,* 81 Pa. 256; *Barbour* v. *Wiehle,* 116 Pa. 308; *McCormick* v. *Joseph,* 83 Ala. 401; *Texas Loan Agency* v. *Taylor,* 88 Tex. 47. Lord ELDON early refused to follow the above, *Mountford* v. *Scott,* 1 Turn. & R. 274, and the English view seems now to be broader than that of the principal case. *Dresser* v. *Norwood,* 17 C. B. (N. S.) 466. That rule is that if the knowledge is actually present in the agent's mind when acting for the principal, it is immaterial when or where that knowledge was acquired. *Distilled Spirits Case,* 11 Wall. 356; *Constant* v. *University,* 111 N. Y. 604; *Snyder* v. *Partridge,* 138 Ill. 173; *Lebanon Sav. Bank* v. *Hollenbeck,* 29 Minn. 322, etc. Each of the above rules is subject to the exception that the knowledge is not chargeable if a disclosure by the agent would be a breach of duty or against the agent's interest. 2 ENC. LAW. & PRAC., p. 1183. It would seem that this exception might, under either rule, apply to these facts, as it is not probable that the agent would disclose facts tending to involve him in the fraudulent deal of the son. However this point was not passed upon and the court merely affirmed the narrow doctrine recognized by only a few courts.

RELIGIOUS SOCIETIES—GOVERNMENT—JUDICIAL REVIEW.—The members of a church, for whose benefit property had been donated in trust, on condition that they remain true to the Lutheran religion, split into two factions, owing to a disagreement as to the location of the church. The majority faction voted to move the church building, and pursuant to this action, changed its location. In a suit to restrain the minority faction from building on the old site, *Held,* when the supreme government of an incorporated religious society in the management of its affairs is vested in the congregation, the action of the majority of the congregation on any question affecting the management and direction of the temporal affairs and property, controls, if the authority be exercised in a regular and lawful manner. *German Evangelical Lutheran Trinity Congregation* v. *Deutsche Evangelisch Luterische Dreieinigkeits Gemeinde* (1910), — Ill. —, 92 N. E. 868.

The rule is universal that civil courts have no jurisdiction to review or revise the acts of the governing body of a religious organization with reference to questions of church doctrine or discipline, *Trustees* v. *Halvorson,*